

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission

From: Planning Division

Date: June 9, 2004

Re: REZONING: 2400 Block of Langhorne Road, R-4, Multi-Family Residential to B-3, Community Business District (Conditional).

I. PETITIONER

Laird Lynchburg, LLC, 5500 Lonas Drive, Suite 300, Knoxville, TN. 37923.

Representative: Ms. Robyn Askew, Laird Lynchburg, LLC, 5500 Lonas Drive, Suite 300, Knoxville, TN 37923.

II. LOCATION

The subject property is a tract of approximately 2.2 acres located in the 2400 Block of Langhorne Road between Murrell Road and Carrington Road.

Property Owner: Mr. Schaffer Oglesby, Village Oaks, L.P., 1401 Lakeside Drive, Lynchburg, VA 24501.

III. PURPOSE

The purpose of the petition is to rezone approximately 2.2 acres in the 2400 Block of Langhorne Road (between Murrell Road and Carrington Road) from R-4, Multi-Family Residential District to B-3, Community Business District (Conditional) to allow the construction of a pharmacy and associated parking.

IV. SUMMARY

- Petition disagrees with the Comprehensive Plan which recommends a Medium Density Residential use for the subject property.
- Petition proposes the demolition of seven (7) apartment buildings which would be detrimental to the character of the area.

The Planning Division recommends denial of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a Medium Density Residential Use for the subject property. These areas are characterized by small lot single family detached housing, duplexes or townhouses at densities up to twelve (12) units per acre. Where neighborhoods already exist, infill development should be at a compatible density and housing type.

The *Comprehensive Plan* also designates the subject property as being in the Plaza/Midtown Mixed Use area. This area was the City's first commercial area outside of the downtown and is planned for redevelopment. This area contains the Plaza Shopping Center, E.C. Glass High School, the City's main library, the City's main bus transfer center, office and residential uses. The goal for this area as stated in the *Comprehensive*

Plan is to redevelop the area into an integrated in-town community with a commercial retail core, surrounded by medium to high density housing, professional offices, with a complementing high school and library. The redevelopment is proposed to follow traditional neighborhood development principles and eliminate blight in the Plaza area.

The proposed rezoning of the property from R-4, Multi-Family Residential District to B-3, Community Business District (Conditional) to allow the construction of a pharmacy, is not consistent with any aspect of the Future Land Use Map (FLUM) or the text of the Comprehensive Plan. The project as proposed would not further the concept of creating a commercial core for the area as it would not be in close proximity to any other retail use.

The project as proposed would displace the residents of the seven (7) existing apartment buildings proposed for demolition which have four (4) to five (5) units each. Maintaining a variety of sound housing stock, and increasing the number of people that live in the neighborhood will be a key in the redevelopment of the area. Retail follows housing. The demolition of the existing apartment buildings will not further any of the goals or objectives of the *Comprehensive Plan*.

The *Comprehensive Plan* also states that when a rezoning or conditional use permit petition is not in compliance with the plan the petitioner will need to petition for a plan amendment. Although the petitioner was informed of this requirement at the May 18, 2004 Technical Review Committee meeting, they have not chosen to request a plan amendment. The Planning Division does not recommend deviating from the Future Land Use Map, nor would it support a plan amendment for the area.

2. **Zoning.** The subject property was annexed into the City in 1926. The property was zoned for single-family residential uses until 1949, when it was zoned for multi-family uses. The current R-4, Multi-Family Residential District was established in 1978 with the adoption of the current Zoning Ordinance.
3. **Proffers.** The petitioner voluntarily submitted the following proffers with the rezoning application:
 - The building, parking and landscaping will be substantial compliance with the site plan entitled Preliminary Site Layout for Rezoning for Walgreens by Architectural Services Group, Inc. dated 5/25/04.
 - Exterior lights will be glare shielded on the residential side.
 - The building exterior will be brick and EIFS. (a form of stucco or dryvit)
 - The retaining wall will be segmented block.
 - There will be a four foot high colored chain link fence on the retaining wall at the rear of the property.
 - The main sign is limited to twenty feet (20') in height, and will be bricked on the bottom (ground level).
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.

5. **Previous Actions.** The following items in the immediate area have required City Council approval:
- On August 9, 1983 the City Council approved the CUP petition of Television Development for a TV studio / satellite at 2416 Langhorne Road.
 - On June 11, 1985 the City Council approved the CUP petition of Central VA. Psychiatric Associates, Inc. for a care center, outpatient mental health facility, and school at 2303 Yorktown Avenue.
 - On April 11, 1989 the City Council approved the rezoning petition of William H. Burruss at 2303 Yorktown Avenue from R-4, Multi-Family Residential District to B-1, Limited Business District (Conditional) to allow the construction of an office complex.
 - On February 13, 1990 the City Council approved the rezoning petition of Snyder Hunt Corporation in the 2200 Block of Murrell Road from R-4, Multi-Family Residential District to B-1, Limited Business District (Conditional).
 - On February 13, 1990 the City Council approved the CUP petition of Snyder Hunt Corporation for an adult care facility in the 2200 Block of Murrell Road.
 - On July 13, 1993 the City Council approved the rezoning petition of Elderberry Nursing Home, Inc., at 2303 Yorktown Avenue from R-4, Multi-Family Residential District to B-1, Limited Business District (Conditional).
 - On October 12, 1993 the City Council approved the rezoning petition of Giles, Cox and Associates at 2102 Langhorne Road from R-4, Multi-Family Residential District to B-1, Limited Business District (Conditional).
 - On June 13, 2000 the City Council approved the rezoning petition of Surgery Center of Lynchburg at 2401 Atherholt Road from R-4, Multi-Family Residential District to B-1, Limited Business District (Conditional).
 - On May 14, 2002 the City Council approved the rezoning petition of William H. Burruss, Jr. at the 2400 Block of Atherholt Road from R-4, Multi-Family Residential District to B-1, Limited Business District (Conditional).
6. **Site Description.** The subject property is bounded to the north (across Langhorne Road) by office uses, to the east (across Murrell Road) by an institutional use (E.C. Glass High School) and to the south and west (across Carrington Road) by apartment uses.
7. **Proposed Use of Property.** The purpose of the rezoning is to allow the demolition of seven (7) existing apartment buildings to facilitate the construction of a pharmacy with associated off street parking areas.
8. **Traffic and Parking.** The City Traffic Engineer has requested that the proposed entrance to the property from Murrell Road be moved further south away from the intersection of Murrell Road and Langhorne Road. The proposed entrance is approximately one hundred (100) feet from the intersection. When traffic is backed up at the intersection of Langhorne Road and Murrell Road, vehicles will not be able to leave the property or there is the possibility for vehicles trying to leave the site to block the thru lane of opposing

traffic on Murrell Road. The location of the proposed entrance also creates a sight distance concern with vehicles making a right turn onto Murrell Road from Langhorne Road. With the entrance in the proposed location there is not adequate distance for vehicles to ingress or egress the property without the potential for an accident with another vehicle making a right turn. The location of the entrance as proposed will cause the entire intersection to operate less efficiently causing delays and unsafe traffic conditions.

Section 35.1-25, Off-street parking and loading, of the Zoning Ordinance requires that one (1) parking space be provided for each three hundred (300) square feet of gross floor area plus one (1) space for each three (3) employees on duty at any one time. The project as proposed would require a total of fifty-one (51) parking spaces. The submitted site plan indicates a total of sixty-five (65) parking spaces on the site.

9. **Stormwater Management.** A stormwater management plan will be required for the building and parking additions because disturbed areas will exceed 1,000 square feet. The redevelopment of the property will result in an increase of impervious area. In addition, the existing storm sewer system located in Murrell Road has been evaluated by the petitioner and is currently at or close to its maximum capacity. Stormwater detention will be provided for the two (2) and ten (10) year storm by the use of an underground detention system. Water quality will be addressed through the use of a pre-fabricated structural device prior to the stormwater entering the City's storm sewer system from the detention system.
10. **Impact.** The petition proposes to rezone the property from R-4, Multi-Family Residential District to B-3, Community Business District (Conditional) to allow the construction of a pharmacy and associated parking similar in size and design to the current Walgreens facility located on Wards Road.

The property has been zoned for residential uses since its annexation into the City in 1926. The existing apartment buildings containing four (4) to five (5) units each were constructed in 1949 and were remodeled in 1986. The apartment buildings are listed as being in good condition by the Assessor's office.

The submitted site plan indicates the construction of a typical retail facility with a building setback of over ninety (90) feet from the property line surrounded by the required parking spaces. The typical building setback in the area is twenty-five (25) to thirty (30) feet with parking in the rear or to the sides of the buildings. The required front yard setback for the building is twenty (20) feet. The submitted proffers indicate a ground sign of twenty (20) feet in height, while the majority of the signs in the area are of monument style.

The property contains twenty-two (22) large diameter deciduous and coniferous trees. Of the existing trees on the site only seven (7) are able to be retained. A vegetative evergreen buffer would be required in all instances where the property abuts a residential district. This requirement would necessitate a buffer on the southern, eastern and western property lines.

While the petitioner should be commended for the retention of some of the existing mature trees and design of the canopy over the drive thru window the Planning Division can not support the rezoning of the property. Moving the building closer to Langhorne Road and placing the parking areas to the sides or rear of the building would be more in keeping with traditional neighborhood development principles as recommended for the area by the *Comprehensive Plan*. However, the proposed pharmacy is still not the highest and best use for the property. Approval of the rezoning would be detrimental to and forever change the character of the area.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on May 18, 2004. Comments of the TRC are attached.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends denial of the petition of Laird Lynchburg LLC to rezone approximately 2.2 acres in the 2400 Block of Langhorne Road, from R-4, Multi-Family Residential District to B-3, Community Business District (Conditional).

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. R. Douglas Dejarnette, Fire Marshal
Ms. Judith C. Wiegand, Senior Planner
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Karl Cooler, Building Commissioner
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Kent White, Environmental Planner
Ms. Robyn Askew, Representative

VII. ATTACHMENTS

1. **Vicinity Zoning Pattern**
(see attached map)

2. **Vicinity Proposed Land Use**
(see attached map)
3. **Site Plan**
(see attached site plans)
4. **Renderings**
(see attached renderings)
5. **TRC Comments**
(see attached comments)